

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALFRED E. OWENS, JR.,

Petitioner,

Case No. 15-cv-12677

Hon. Matthew F. Leitman

v.

SHERMAN CAMPBELL,

Respondent.

ORDER DIRECTING PETITIONER TO FILE SUPPLEMENTAL BRIEF

In this action, state prisoner Alfred E. Owens, Jr. seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. (*See* Pet., ECF No. 1.) On March 20, 2019, the Court held an evidentiary hearing to inquire into (1) the timeliness of Owens' habeas petition and (2) whether Owens was actually innocent of the crimes that underlie the petition. (*See* Order, ECF No. 15; Tr. of Evid. Hearing, ECF No. 19.) After the evidentiary hearing, and after Owens filed his final post-hearing brief, Respondent supplemented the record with transcripts from a 2000 trial in case number 97-156004-FC in the Oakland County Circuit Court. (*See* ECF Nos. 28, 29.) Respondent then made several arguments based on the transcripts as to why Owens was not entitled to habeas relief. (*See id.*) Owens has not yet had an opportunity to address the newly-filed transcripts or any of the arguments that Respondent made

based on the transcripts. The Court believes that he should have the opportunity to do so.

Accordingly, by no later than **January 24, 2020**, Owens shall file a supplemental brief that addresses both the transcripts that Respondent filed from the 2000 trial and the arguments Respondent made based on those transcripts. Among other things, Owens shall address Respondent's contentions that (1) during the 2000 trial, witness Joseph Carson effectively recanted the testimony that he gave at Owens' previous trial that led to the convictions at issue in this case, and (2) Carson has contradicted in other ways the testimony that he gave at Owens' previous trial that led to the convictions at issue here. This is Owens' opportunity to present to the Court any and all arguments related to the transcripts from the 2000 trial.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: January 7, 2020

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 7, 2020, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
(810) 341-9764

